

REMARKS

With respect to the rejection of claim 1 for the recitation of the phrase "substantially similar", this phrase was used as not to be restricted to the exact composition as the fatty acid mixture normally present in a healthy fat pad. However, by the definition of the intrinsic viscosity of the solution, one skilled in the art could vary the relative proportion of each of the fatty acids contained in a healthy fat pad to arrive at a biocompatible solution.

The Applicant has amended claim 1 to attend to typographical errors and to correct the inconsistency in claim 1 regarding the singular and plural forms of pad(s). Claim 7 has also been amended to attend to the confusion in the recitation of "mPa.s". The claim now recites the Applicant's intended term, "mPa·s", wherein the raised period denotes a multiplication sign. With respect to the abbreviation of kPa, this abbreviation is appropriate for Figure 2, but not for claim 1.

The Examiner has further rejected claim 1 as being indefinite, again for the recitation of the phrase "substantially similar". With respect to same, the Applicants have analyzed, by reverse chromatography, various samples collected at the morgue of specimens from various fat pads, including any of the three fat pads generally found in the foot. However, very few samples were available and thus analyzed. The saturated/unsaturated fatty acids ratio in all of the analyzed samples were very similar for all three fat pads. It is the Applicant's view that the phrase "substantially similar to a fatty acid mixture normally present in a healthy fat pad" is important as a guide to enable one skilled in the art to distinguish the solution being claimed. Without such a phrase, one could use a solution that has a very high intrinsic viscosity, almost to the point that it is no longer a solution.

Claims 3 and 16 have been rejected for the use of the term "and/or". The Applicant has amended claims 3 and 16 as to remove the term "and/or". Similarly, the rejected phrase "and the like" found in claims 4, 5 and 13 has been deleted. Furthermore, claims 4 and 5 have been amended to remove the terms "such as" and "their".

The Applicant has amended claims 4, 5 and 9 to remove the phrase "any mixture thereof."

The Applicant has amended claims 7 and 17 to remove the recitation of "to reduce viscosity and to allow injectability at room temperature."

The Applicant has amended Claim 8 to recite "... consisting of water, alcoholic solvent, alkylere glycol and poly-alcohol" as suggested by the Examiner.

Claim 11 has been rejected as being indefinite in light of the phrase "highly-viscous". The Applicant has amended claim 11 to remove the word "highly". One skilled in the art would know what a viscous solution is.

The Applicant has amended claim 12 to remove the term "biopolymer".

The Applicant has amended claims 14, 15 and 24-26 to remove the phrases "derivative thereof" and "a derivative of collagen."

With respect to claim 16, the Applicant has amended the claim to recite "at least two different monomers." The solution may comprise two or more separate monomers that polymerize or copolymerize within the pad after injection.

The Applicant has amended claim 18 to remove the phrase "natural, artificial, or synthetic."

Claims 21 and 22 have been rejected as being indefinite in the recitations of "a self-gelling polymeric solution" and a "thermo gelling solution" because it is not clear if gelling occurs at higher or lower temperatures. The Applicant submits that paragraph 40 of the specification clarifies that the solution may be a gel or solid at low to room temperature, e.g., 20 degrees Celsius and below, but may become more or less a viscous liquid at higher temperatures, e.g., above 35 – 40 degrees Celsius.

The Applicant has amended claim 26 to recite the term "components" rather than "elements" as suggested by the Examiner.

The Applicant has deleted claims 27, 30, 31, and 36 rendering the Examiner's rejection of these claims moot.

In view of the foregoing, Applicant respectfully requests favorable reconsideration of the application.

The Examiner is authorized to charge any fee deficiencies or credit any overpayments associated with this submission to the Nixon Peabody LLP Deposit Account No. 50-0850.

The Examiner is invited to contact the undersigned if further matters need to be discussed in order to expedite the prosecution of the present application.

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Respectfully submitted,



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